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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------|-------------|----------------------|-------------------------|------------------|
| 09/912,899 | 07/25/2001 | Hideyuki Masuyama | 980756D/LH | 8238 |
| 1933 | 7590 | 12/18/2003 | EXAMINER | |
| FRISHAUF, HOLTZ, GOODMAN & CHICK, PC | | | PRITCHETT, JOSHUA L | |
| 767 THIRD AVENUE | | | ART UNIT | PAPER NUMBER |
| 25TH FLOOR | | | | 2872 |
| NEW YORK, NY 10017-2023 | | | DATE MAILED: 12/18/2003 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------|--------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/912,899 | MASUYAMA, HIDEYUKI |
| | Examiner | Art Unit |
| | Joshua L Pritchett | 2872 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 October 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 17 and 20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 17 and 20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 25 July 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____

DETAILED ACTION

This action is in response to Request for Continued Examination filed October 31, 2003.

Claims 17 and 20 have been amended and claims 1-16, 18, 19 and 21 have been cancelled as requested by the applicant.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawasaki (US 4,661,692).

Kawasaki discloses a microscope electronic camera (61-63) with changeable setting observation conditions. Kawasaki discloses the device having an imaging element (61), a recognition means for recognizing a change in the observation conditions (61-65 and 67-85) and magnification (70-71) (Fig. 3, CPU 51 is linked to all recognition means), a color signal processing means (51) for processing a color image signal output (Fig. 3, CPU 51 is linked to image pickup device 61) with information from the recognition means (Fig. 3), an a filter coefficient changing means (80) connected to the color signal processing means (Fig. 3).

Kawasaki further discloses the filter coefficient changing means determines the contour and accentuation in accordance with the information from the recognition means and includes a circuit (Fig. 3). The recognition means of Kawasaki transmit information to the CPU that tell the processor how each piece of equipment in the system is operating (col. 19-25), thus relaying the observation conditions based on the performance of all the elements in the system.

Response to Arguments

Applicant's arguments filed October 1, 2003 have been fully considered but they are not persuasive.

Applicant argues on pages 4-7 that Kawasaki teaches a neutral density filter that is incapable of contour accentuation. Applicant further argues that a cyan filter would cause contour accentuation. The applicant further argues that a neutral density filter, as in Kawasaki, "in general" do not induce contour accentuation through color image control. The examiner holds that the Kawasaki reference teaches the invention as claimed. Although neutral density filters do not "in general" control a color image, the applicant's argument on page 6 lines 10-13 of arguments filed October 1, 2003 states that in some cases a neutral density filter may change the color of light passing through the filter and therefore provide contour accentuation. If a neutral density filter is capable of providing contour accentuation in a single instance, as stated by applicant, the claim language reads on the Kawasaki reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L Pritchett whose telephone number is 703-305-7917. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on 703-305-0024. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

JLP

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DREW DUNN
SUPERVISORY PATENT EXAMINER